

## CHAPTER 21 DEGREE GRANTING INSTITUTIONS

Secs.	
2100	Purpose
2101	Applicability
2102	Conditional Exemption
2103	Licenses and Degrees
2104	Standards for Licensure
2105	Application for Initial Licensure
2106	Application for Provisional License Renewal or Conversion
2107	Application for License Amendment
2108	Site Evaluation Visits
2109	Review of Licensed Institutions
2110	Student Count
2111	Licensing Fees
2112	Closing an Institution
2113	Transfer of Records of Closed Institution
2114	Denial, Reduction, Suspension and Revocation
2115	Complaints
2116	Notice and Hearings
2117	Reopening a Hearing
2118	Reconsideration
2119	Implementation
2199	Definitions

### 2100 PURPOSE

- 2100.1 The purpose of this chapter is to implement D.C. Law 1-104; D.C. Code §§31-1601, *et seq.*, and 31 *Stat.* 1280, §§586(b), (c) and (d), D.C. Code §§29-815, 816 and 817, which provide for the licensing of private educational institutions operating or incorporated in the District, which offer instruction resulting in credit toward a college degree.

**AUTHORITY:** Unless otherwise note, the authority for this chapter is §§6(b)(3) and 11 of the Educational Licensure Commission Act of 1976, D.C. Law 1-104, D.C. Code §§31-1606(a)(3) and 31-1611 (1992 Supp.), Mayor's Order 89-120.

**SOURCE:** Final Rulemaking published at 37 DCR 6595 (October 19, 1990).

### 2101 APPLICABILITY

- 2101.1 This chapter shall apply to all educational institutions which offer instruction that results in credit toward a degree, which are required to be licensed or conditionally exempted from licensure by the Commission by D.C. Law 1-104, D.C. Code §§31-1601 *et seq.*, or by 31 *Stat.* 1280, D.C. Code §§29-801 *et seq.* (1981).

- 2101.2 In general, such educational institutions are subject to this chapter if they operate in the District or are incorporated in the District and operate elsewhere, unless excluded by law.

SOURCE: Final Rulemaking published at 37 DCR 6595 (October 19, 1990).

## 2102 CONDITIONAL EXEMPTION

- 2102.1 An educational institution seeking a conditional exemption under §10(b) of D.C. Law 1-104 shall submit a written request to the Commission with evidence of compliance with the requirements of law and this chapter.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6596 (October 19, 1990).

## 2103 LICENSES AND DEGREES

- 2103.1 The Commission shall license degree granting institutions and institutions that give instruction that results in credit toward a degree, and that the Commission determines are in compliance with the requirements of law and this chapter.
- 2103.2 The Commission recognizes that the requirements of this chapter may not be equally applicable to each educational institution, and may for good cause waive in whole or in part one or more of the requirements in granting a license to an institution; except that the Commission may not waive a requirement of any statute.
- 2103.3 To be eligible for a permanent license, the educational institution shall be fully accredited and financially sound, and have a record of compliance with this chapter that merits a permanent license.
- 2103.4 The Commission may authorize an educational institution to grant one or more honorary degrees. All other degrees shall be earned degrees.
- 2103.5 Each license shall specify the degrees that the institution is authorized to grant, any change of which shall require an amendment of the license.
- 2103.6 If an educational institution with a provisional license allows its license to expire, the institution shall apply for an initial license, as if the institution had never been licensed.
- 2103.7 An educational institution shall apply for a license at least one hundred and eighty (180) days prior to the start of the educational program to be licensed.
- 2103.8 Upon a change in ownership of an educational institution, the school shall file with the Commission an application for amendment of its license pursuant to §2007.
- 2103.9 The license of an educational institution shall automatically expire if the institution fails to begin operations under the license within one (1) year of its



issuance, or ceases to operate under the license for a period of six (6) consecutive months.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6596 (October 19, 1990).

## 2104 STANDARDS FOR LICENSURE

- 2104.1 In order to qualify for a license, each educational institution shall, in the judgment of the Commission, meet the minimum standards set forth in this section. These standards shall apply to institutions applying for a license or licensed by the Commission, and to all facilities and programs which operate under authority of such license, whether located inside or outside the District.
- 2104.2 An educational institution shall conduct its business with honesty and fair dealing with its employees, its students, the government and the public. The institution shall comply with all applicable laws and regulations of the District of Columbia, with the conditions of any tax exemption, student or other financial assistance from a public agency, and any license or permit.
- 2104.3 An educational institution shall have a written statement which clearly describes its mission and purposes. The statement shall describe the goals of the institution in regard to the instruction of students, specialized research and public service, its point of view, and any specialized constituencies that it serves.
- 2104.4 An educational institution shall clearly delineate the responsibilities for control of the operation of the institution and its programs, identifying the policies to be established, severally or jointly, by the following:
- (a) Its governing body;
  - (b) The chief executive officer;
  - (c) Other administrative officers;
  - (d) Faculty members;
  - (e) Students; and
  - (f) Others.
- 2104.5 An educational institution shall be adequately organized and administered to achieve its mission and goals, including but not limited to having the following:
- (a) An organization chart showing the principal subdivisions of the institution and the title of the principal officer for each;
  - (b) An adequate administrative staff, and written position descriptions for administrative positions; and

- (c) Clearly delineated, written administrative policies and procedures.

2104.6 An educational institution shall have the following:

- (a) Adequate financial resources to achieve its mission and goals;
- (b) Ultimate authority to allocate financial resources and accountability for such resources in the governing body;
- (c) An adequate staff, policies and procedures for budgeting and accounting for its resources;
- (d) Adequate arrangements for assuring strict compliance with the requirements of any student or institutional financial assistance provided by government agencies; and
- (e) An annual audit by an independent certified public accountant.

2104.7 An educational institution shall meet the following requirements for its faculty:

- (a) The faculty shall possess academic, scholarly and teaching qualifications appropriate to their respective positions;
- (b) It shall have a sufficient number of full-time academic appointments to ensure continuity and stability of the educational program at each location where it is offered, as well as to provide adequate educational association between students and faculty;
- (c) It shall require full-time faculty to devote a majority of their professional efforts to the institution's academic programs during the institution's regular academic year;
- (d) The teaching loads of faculty members shall be such as to permit adequate opportunity for classroom preparation, professional growth, and other appropriate nonteaching functions;
- (e) It shall have fair, clear and adequate procedures for the appointment, promotion, evaluation, award of tenure, if applicable, disciplining, and dismissal of faculty members; and
- (f) It shall have adequate arrangements for protecting academic freedom, and for the faculty to participate in the evaluation and planning of the curricula.

2104.8 An educational institution shall meet the following requirements for its curricula:

- (a) The curricula and programs of study shall be related demonstrably to the objectives of the institution;



- (b) The curricula and programs of study shall provide sequences of subjects leading to competence appropriate to each level of study, and the requirements for degrees and certificates shall be clearly delineated;
- (c) Each course offered shall have a full syllabus with course objectives and methods of evaluating student performance;
- (d) The standards for evaluation of student performance shall be fair and adequate;
- (e) There shall be an established procedure for the systematic review, evaluation and modification of curricula and programs of study;
- (f) All credits awarded for courses in degree programs shall be measured in credit hours;
- (g) A course or program offered by correspondence, extension, telecommunications, or in summer session shall be consistent with the objectives and purposes of the institution, and shall be consistent with and comparable in quality to courses offered to students regularly enrolled on a fulltime basis; and
- (h) If an institution provides instruction in a field for which a professional or occupational license is required to practice in the District of Columbia, the instruction shall meet all applicable requirements of the professional or occupational licensure law, as determined by the Commission.

2104.9 An educational institution shall meet the following requirements for library resources:

- (a) It shall provide access to an adequate collection of such books, periodicals, newspapers, teaching aids, audio-visual material and other learning and reference resources as the Commission deems necessary for the programs and courses offered;
- (b) Branches or extensions which, because of size cannot feasibly maintain such resources exclusively in an on-site library, shall demonstrate arrangements for students and faculty to have reasonable access to such resources; and
- (c) An institution whose home campus is subject to this chapter shall at the home campus:
  - (1) Maintain an on-site library with an adequate collection of resource materials;
  - (2) Provide for the continuous acquisition of appropriate additions to the collection;

- (3) Employ a full-time professional librarian to operate the library, and adequate supporting personnel; and
- (4) Provide seating and work space for quiet study by a reasonable proportion of students and faculty.

2104.10 An educational institution shall meet the following requirements for admission of students:

- (a) It shall have clearly delineated, fair and objective standards for admission of students;
- (b) Every first-year undergraduate student admitted shall have a high school diploma or equivalent, or shall have demonstrated to the school, by a method which has received prior approval of the Commission, a reasonable ability to benefit from the proposed curriculum and to successfully complete the program in which the student is to be enrolled; and
- (c) The basis for admission shall be documented in the student's record.

2104.11 An educational institution shall have an established procedure for evaluating the outcomes and effectiveness of its educational programs in terms of its mission and goals.

2104.12 An educational institution shall meet the following requirements for facilities and equipment:

- (a) It shall provide and maintain in the District a physical plant appropriate for the programs and levels of study offered, the size of the faculty, and the age and size of the student body, including suitable housing, classrooms, laboratories and library resources wherever required by the nature of the program or the student body;
- (b) It shall comply with all applicable federal and District laws and regulations with respect to building and fire codes, zoning and housing regulations, and where applicable, comply with similar laws and regulations of the jurisdiction in which the facilities are located;
- (c) Residential facilities provided by the institution shall be safe, sanitary, and accessible to those housed;
- (d) Laboratories shall be adequate in space and equipment for the courses taught and the students enrolled, and shall incorporate appropriate safety measures; and
- (e) Equipment shall be adequate, operational and safe.

2104.13 It shall meet the following requirements for services to employees and students:



- (a) An educational institution shall provide services to employees and students which reasonably meet their needs;
- (b) Procedures for health emergencies shall be formulated and workable, and information about them distributed to employees and students; and
- (c) An adequate program of educational, occupational and personal counseling for students shall be maintained.

2104.14 It shall meet the following requirements regarding publications and advertising:

- (a) An educational institution shall publish the following:
  - (1) An announcement, bulletin or catalog, no less frequently than every two (2) years, which shall contain the institution's objectives and purposes;
  - (2) Names of the members of its governing board, faculty, and chief executive officer;
  - (3) Curricula offerings and programs of study;
  - (4) Admission and completion requirements;
  - (5) Schedule of student costs and fees;
  - (6) Refund policies; and
  - (7) Other regulations and requirements;
- (b) The publication shall define the grading system, and the minimum grade considered satisfactory;
- (c) It shall submit to the Commission, upon its request, copies of all advertising used, including transcripts of radio and television commercials;
- (d) Foreign language advertising shall be submitted accompanied by an English translation;
- (e) All claims to prospective students about future employment, earnings, financial aid, or other benefits shall be based upon reasonable evidence maintained by the institution and available for inspection by all parties to whom the claims are made, including the Commission;
- (f) It or its agents shall not promise or imply a guarantee of placement or employment for graduates, nor include such a promise or implication in any advertisement, and shall not misrepresent any aspect of the offering being made to prospective students; and

- (g) Except as provided in §2004.15, it shall not advertise or otherwise imply that the institution is "supervised," "recommended," "endorsed," "accredited," or "approved" by the Commission or any other department or agency of the District government.

2104.15 An educational institution may include in its advertising the following legend: "This institution is licensed under the Degree Granting Institution Regulations of the District of Columbia" or "Licensed by D.C. Education Licensure Commission."

2104.16 An educational institution shall maintain records for each student which, at a minimum, shall contain the information specified in §2013 of this chapter. The institution shall establish procedures for obtaining upon request a true and accurate transcript and a policy for preserving the confidentiality of student records.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6597 (October 19, 1990).

## 2105 APPLICATION FOR INITIAL LICENSURE

2105.1 An educational institution shall submit to the Commission an application for initial licensure in such form as the Commission may prescribe, and shall not begin offering instruction until a license to do so is issued by the Commission.

2105.2 An application for initial licensure shall contain a description of the manner in which the institution complies with each standard for licensure set forth in §2004 of this chapter, or a statement requesting waiver by the Commission of any such standard, in whole or in part, and describing the reasons why such a waiver is considered justified.

2105.3 In addition, an application for initial licensure shall include, as appropriate, the following:

- (a) A letter of transmittal signed by an authorized official of the institution certifying that the information in the application is current, true and correct;
- (b) A resolution by the governing body of the institution or a statement from the chief executive officer or owners of the institution authorizing the application and designating the persons who will maintain liaison with the Commission during the pendency of the application;
- (c) If incorporated, the articles of incorporation, bylaws, a certificate of good standing from the Corporations Division of the District of Columbia Department of Consumer and Regulatory Affairs, and the address of its principal place of business;
- (d) If a for-profit corporation, the names of the owners, officers, members of the board of directors, managing employees within the District, and any other



person or business entity having a ten percent (10%) or more ownership interest in the institution;

- (e) If a non-profit corporation, the names of the members of the board of directors, officers, and managing employees;
- (f) The address of the places where instruction will be given and all offices and other institution facilities in the District of Columbia, or outside the District if the institution is to be licensed to operate elsewhere;
- (g) A copy of the most recent audited financial statement of the institution prepared by a certified public accountant within twelve (12) months of the application;
- (h) A copy of the institution's Certificate of Occupancy and the lease or title to the buildings to be used;
- (i) The estimated student enrollment and distribution by department or discipline;
- (j) A certificate of Non-Discrimination, in conformance with the D.C. Human Rights Act;
- (k) A statement of the accreditation status of the institution which fully describes the following:
  - (1) Existing accreditation, if any, including the period of accreditation and the expiration date;
  - (2) The type and scope of accreditation;
  - (3) The name of the issuing association, organization or agency;
  - (4) The status and scope of any pending applications for accreditation;
  - (5) Any probation or conditions of existing accreditation;
  - (6) Any revocations of accreditation or other actions limiting accreditation during the ten (10) years preceding application to the Commission for licensure; and
  - (7) Any denials of an application for accreditation during the ten (10) years preceding the application for licensure to the Commission, and the reasons for denial;
- (l) A statement describing any authorizations and licenses, other than accreditation, which an institution may have from another jurisdiction, which shall include the following:
  - (1) The type of certificate, license, or exemption;

- (2) The name of the issuing agency;
  - (3) The term and expiration date of the certificate or license;
  - (4) Any conditions to which the certificate or license is subject;
  - (5) Any application for licensure pending;
  - (6) Any revocations or other limiting actions by the issuing agency or organization during the ten (10) years preceding application to the Commission for licensure; and
  - (7) Any denials of an application for a license or certificate during the ten (10) years preceding the application to the Commission for licensure, and the reasons for the denial;
- (m) Any licensure fee or surety required by this chapter; and
- (n) Any other information as the Commission may require.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6602 (October 19, 1990).

## **2106 APPLICATION FOR PROVISIONAL LICENSE RENEWAL OR CONVERSION**

- 2106.1 At such time as the Commission may require, prior to the expiration of a license, a licensee wishing to renew a provisional license or convert a provisional license to a permanent license, shall submit to the Commission an application for renewal or conversion of the license, in such form as the Commission may require.
- 2106.2 An application for conversion to a permanent license shall include the information about accreditation specified in §2005.3(k) of this chapter, and the information required for an application for renewal of a license by §2006.3 of this chapter.
- 2106.3 An application for renewal of a provisional license shall include the following:
- (a) A description of any differences in its organization, program, officers, or faculty since the previous licensure action by the Commission;
  - (b) A description of any such changes proposed during the period of license renewal;
  - (c) A description of the means whereby the institution has satisfied any conditions of the current license by the Commission, or a statement justifying the renewal of the license in view of all such conditions not having been satisfied;



- (d) A copy of the, most recent financial statement of the institution, prepared within twelve (12) months of the application by a certified public accountant;
- (e) Any licensure fees required by this chapter; and
- (f) Any other information as the Commission may require.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6604 (October 19, 1990).

## **2107 APPLICATION FOR LICENSE AMENDMENT**

- 2107.1 An institution licensed by the Commission shall submit an application for an amended license in a form determined by the Commission, whenever there is a change in ownership, accreditation status, locations subject to the license, degrees or certificates offered, or other condition of the license that, in the opinion of the Commission, requires an amendment.
- 2107.2 An application for an amended license to authorize a new program or degree shall include the following:
- (a) The reason for offering the new degree or program of study;
  - (b) An outline of the curriculum for the new degree or program of study;
  - (c) A listing and summary of courses required for the new major;
  - (d) The qualifications of the faculty to be involved in the new degree or program of study;
  - (e) The anticipated enrollment for the new degree or program;
  - (f) The financial resources to support the new degree or program of study;
  - (g) A description of how the new degree or program of study relates to the objectives of the institution;
  - (h) Any licensure fee required by this chapter; and
  - (i) Any other information as the Commission may require.
- 2107.3 An application for amendment of the license to include authority for a new branch or extension, or new degrees, programs of study, location, or ownership, shall be subject to the same requirements as an application for initial licensure, including site evaluation, if the Commission deems a visit to be necessary.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6605 (October 19, 1990).

**2108 SITE EVALUATION VISITS**

- 2108.1 The Commission may request an educational institution to submit documents containing current information prior to the initiation of a site evaluation visit by the Commission.
- 2108.2 The Commission shall appoint the site evaluation team, which may consist of Commissioners or Commission staff members, or both, such independent evaluators as the Commission deems necessary to assist the Commission in the evaluation, appraisal, and review of an application for licensure or amendment.
- 2108.3 A Commission member or a staff member of the Commission, or both, may also serve as observers of the evaluation team.
- 2108.4 An applicant institution may nominate three (3) persons, one of whom may be selected by the Commission to serve on the evaluation team. The nomination shall include the following information for each person:
- (a) A dated, recent resumé;
  - (b) A statement of any past, present, or future affiliation with the nominating institution, including dates, nature of affiliation, and whether such affiliation was compensated; and
  - (c) A description of any personal or professional ties with educational institutions and associations of institutions.
- 2108.5 The Commission may, but is not required to, appoint an institution's nominee, and shall not appoint an institution's nominee when in the Commission's judgment the nominee would not be able to act as a qualified, impartial evaluator.
- 2108.6 The purpose of a site visit shall be to verify information submitted by the applicant, and otherwise determine compliance with the requirements of this chapter. It may include, but not be limited to, the following:
- (a) Interviews with an institution's faculty, students, and staff;
  - (b) Inspection of facilities including administrative offices;
  - (c) Review of records;
  - (d) Review of record-keeping procedures, and student support facilities; and
  - (e) Review of any other matters as may be relevant to the application.
- 2108.7 An educational institution shall cooperate with the evaluation team in making records and personnel available and shall comply with all reasonable requests by the team, including private interviews and private meeting rooms.



- 2108.8 The evaluation team shall submit a written report with recommendations to the Commission after the site visit, and the Commission shall provide a reasonable opportunity for review of the report and comment by the applicant institution.
- 2108.9 The Commission shall consider the evaluation team report as one basis for its action on the license.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6605 (October 19, 1990).

## 2109 REVIEW OF LICENSED INSTITUTIONS

- 2109.1 The Commission shall review all licensed institutions annually by means of annual information submitted by the institutions, and shall periodically conduct more intensive reviews in connection with license renewal or conversion, or reviews by accrediting commissions.
- 2109.2 Each licensed institution, and each institution with a conditional exemption, shall submit annually to the Commission an Annual Data Survey, in the form prescribed by the Commission, as follows:
- (a) Annual Data Survey forms shall be mailed to each institution by the Commission no later than December 31st;
  - (b) Each institution shall file its completed Annual Data Survey with the Commission no later than March 31; and
  - (c) Each Annual Data Survey return shall include copies of the institution's most recent audit of financial condition, certified catalogue or bulletins, and other information required by the Commission.
- 2109.3 A licensed institution which is accredited shall be reviewed periodically by the Commission as follows:
- (a) An independent site evaluation by the Commission shall be conducted of each branch or extension in the District of an institution located outside the District at least once every five (5) years;
  - (b) The Commission's periodic review of facilities in the District other than those covered by §2009.3(a) shall be made in connection with reviews and evaluations made by the regional accrediting association, or if the programs in the District are limited to a specialty, by a specialized accrediting association; and
  - (c) The Commission shall make a periodic review of an accredited institution which is licensed by the Commission to operate outside of the District under D.C. Code §29-801 (1981), in the same manner as if its home campus and other facilities were located within the District.

- 2109.4 A licensed institution which is not accredited shall be reviewed periodically by the Commission in connection with renewal of its provisional license, as follows:
- (a) The institution shall submit an application for renewal of the license, as specified in this chapter; and
  - (b) The Commission shall make an independent site evaluation in accordance with this chapter.
- 2109.5 An unaccredited licensee shall make provision for a Commission observer to accompany an evaluation team from an accrediting association for purposes of initial accreditation.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6606 (October 19, 1990).

## 2110 STUDENT COUNT

- 2110.1 The counting of full-time students or their equivalents, for purposes of the Annual Data Survey required by §2009.2, and of licensing fees required by §2011, shall be done as specified in this section.
- 2110.2 The number of full-time students or their equivalents shall be reported as follows:
- (a) Institutions licensed by the Commission to operate within the District, but which are not organized or chartered within the District, shall report the number of students at their facilities within the District;
  - (b) Institutions licensed by the Commission to operate within or outside of the District, which are organized or chartered within the District, shall report separately the number of students at their facilities within the District, and their facilities outside of the District; and
  - (c) Institutions awarded a conditional exemption from licensure by the Commission shall report as specified in paragraph (a) of this subsection, if not organized or chartered in the District; or as specified in paragraph (b), of this subsection, if organized or chartered in the District.
- 2110.3 All counts of full-time students reported shall be for the entire year covered by the Annual Data Survey.
- 2110.4 Full-time students or their equivalents shall be calculated as follows:
- (a) Full-time undergraduate students: the total number of semester credit hours awarded to undergraduate students during the year, divided by twelve (12); or quarter hours divided by eighteen (18);
  - (b) Full-time graduate students: the total number of semester credit hours awarded to graduate students during the year, divided by nine (9); and



- (c) Total full-time students: the sum of the undergraduate and graduate students calculated according to this section.

- 2110.5 The Commission may, for purposes of reporting, request other student counts such as total enrollment or the number of parttime students.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6608 (October 19, 1990).

## 2111 LICENSING FEES

- 2111.1 An educational institution that is licensed by the Commission, or applies for a license, shall pay to the Commission the fees prescribed by this section.
- 2111.2 The non-refundable fee for sending an application package to an educational institution shall be fifteen dollars (\$15.00), payable prior to its being sent.
- 2111.3 The non-refundable fee for processing an application for initial license, license renewal, or license conversion shall be two hundred and fifty dollars (\$250.00), payable at the time of application.
- 2111.4 The non-refundable fee for processing an amendment of a license shall be twenty-five dollars (\$25.00), payable at the time of application.
- 2111.5 An annual fee, in the following amount shall be paid by every licensed institution:

<u>Full Time Students or Equivalents</u>	<u>Annual Fee</u>
0 - 100	\$ 25
101 - 250	50
251 - 500	100
501 - 1,000	250
1,001 or more	500

- 2111.6 For purposes of this section, the term "Full Time Students or Equivalent" shall mean the total number of full time students calculated by the educational institution as required by §2100 of this chapter.
- 2111.7 The annual fee shall be paid at the time of application for initial license, or at the time that the licensee's Annual Data Survey to the Commission is submitted as required by §2009.2 of this chapter.
- 2111.8 An institution licensed after the due date of the annual fee shall pay a fee equal to one twelfth of the annual fee for every full month remaining until the date of the next annual fee.
- 2111.9 Failure to pay an annual license fee by the date specified in this section may result in suspension or revocation of an institution's license until the fee is paid.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6608 (October 19, 1990).

**2112 CLOSING AN INSTITUTION**

- 2112.1 An institution which closes shall make arrangements for its students and for the safekeeping of its records, as set forth in this section.
- 2112.2 Closure of an institution shall be done in accordance with a written plan which is submitted to the Commission no more than ninety (90) days prior to closure, and approved by the Commission, and shall state how the institution will comply with the requirements of this section.
- 2112.3 The closure plan and actions to close an institution shall provide for the following:
- (a) Cease all recruitment activities and bar all new student enrollments;
  - (b) Provide all enrolled students an opportunity to complete their program of studies, or to receive maximum assistance for orderly transfer to another educational institution acceptable to the student;
  - (c) Notify all enrolled students of the phase-out plan, describing their financial obligations as well as their rights to a refund or adjustment, and provisions made for assistance toward completion of their academic program, whether in the institution that is closing, or by transfer;
  - (d) Provide the Commission with copies of the closing or phase out notices, including copies of all communications sent to students;
  - (e) Make provision for transferring all official records of the students to the Commission's office, and notify students of this location and how they may obtain official copies;
  - (f) Notify the Corporations Division of the D.C. Department of Consumer and Regulatory Affairs and other authorities of the status of the institution and/or corporation, including the filing of a final report, if appropriate; and
  - (g) Protect the rights of staff, suppliers, and creditors.
- 2112.4 During the phase-out process, the institution shall submit quarterly progress reports to the Commission on closure under the plan noting unanticipated or serious problems. The Commission shall monitor the closure, and require the institution to comply with the objectives as well as the specific provisions of the approved closure plan.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6609 (October 19, 1990).



**2113 TRANSFER OF RECORDS OF CLOSED INSTITUTION**

2113.1 In the event that any educational institution licensed under this chapter, or granted a conditional exemption under this chapter, discontinues its operation, the Chief Administrative Officer, by whatever title designated, of the institution shall cause to be filed with the Commission the original or legible true copies of all records of such institution specified by the Commission.

2113.2 The records deposited with the Commission shall include, at a minimum, the academic records of each former student, which shall include:

- (a) Academic transcripts showing the basis for admission, transfer credits, courses, credits, grades, graduation authorization, and student name changes for each student;
- (b) Transcripts of financial aid for each student;
- (c) Foreign student forms for foreign students;
- (d) Veterans Administration records for veterans;
- (e) Copies of degrees, diplomas and certificates awarded to students (if maintained);
- (f) One set of course descriptions for courses shown on transcripts; and
- (g) Evidence of accreditation, if any, during years covered by transcripts.

2113.3 If the Commission transfers the records from the institution, the institution shall pay the cost of the transfer.

2113.4 The Commission shall issue certified copies of transcripts of student courses and grades, and of other documents in the records; and shall furnish other official information from such records to former students, and educational institutions to which the student applies; and may furnish copies to others who have a right to disclosure under law or regulation.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6610 (October 19, 1990).

**2114 DENIAL, REDUCTION, SUSPENSION AND REVOCATION**

2114.1 In accordance with procedures consistent with the provisions of the District of Columbia Administrative Procedure Act approved October 21, 1968 (82 Stat. 1204; D.C. Code §§1-1501 *et seq.*), and §2016 of this chapter, the Commission may suspend or revoke the license of an institution for failure to comply with the provisions of this chapter, may reduce a permanent license to a provisional license, and may refuse to issue a license.

- 2114.2 If the Commission have reason to believe that a licensed institution may not be in compliance with the requirements of law or this chapter, the Commission may, at its own expense, conduct such investigation as it deems necessary to issue a notice under §2016 of this chapter, including a site evaluation visit.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6611 (October 19, 1990).

## 2115 COMPLAINTS

- 2115.1 The Commission, on its own motion or on the receipt of a complaint submitted in accordance with this section, may request the Executive Director to investigate an applicant or licensee if the facts alleged in the complaint, if proven, would constitute sufficient grounds for denial, suspension or revocation of a license under D.C. Law 1-104, D.C. Code §§31-1601 *et seq.* (1993 Supp. Vol.); 31 *Stat.* 1280 §§586(b) or (c), D.C. Code §§29-816 and 817 (1981); or this chapter.
- 2115.2 A person who desires to file a complaint against an applicant or licensee shall do the following:
- (a) Submit the complaint in writing;
  - (b) State the facts or circumstances that form the basis of the complaint;
  - (c) Sign the complaint and state the complainant's name and address; and
  - (d) Mail or deliver the complaint to the Commission.
- 2115.3 Nothing in §2015.2 precludes the Commission, on its own motion, from requesting the Executive Director to investigate an applicant or licensee based on information obtained from a Commissioner or Commission staff member.
- 2115.4 Upon receiving a complaint, the Commission may, in its discretion, request that the applicant or licensee against whom the complaint is made respond in writing to the allegations contained in the complaint. If the Commission requests such a response, it shall inform the applicant or licensee that the Commission may send a copy of the response to the complainant.
- 2115.5 If the Commission receives a written response pursuant to §2015.4, it may, in its discretion, send a copy of the response to the complainant and request a written reply within a time period determined by the Commission.
- 2115.6 After considering a complaint against an applicant or licensee, and any response thereto, the Commission may take one of the following actions:
- (a) Refer the complaint to the Executive Director for further investigation or for monitoring of improvements initiated by the applicant or licensee which are responsive to the complaint;
  - (b) Set the matter for a hearing in accordance with §2016; or



(c) Dismiss the complaint.

- 2115.7 If the Commission dismisses a complaint, it shall give the complainant notice in writing, sent by first class mail, of the dismissal of the complaint within ten (10) days of the action.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6611 (October 19, 1990).

## 2116 NOTICE AND HEARINGS

- 2116.1 The notice to the applicant or licensee shall specify what action is contemplated, the basis for the proposed action, and that the proposed action shall be taken if no hearing is requested, or if the applicant or licensee fails to appear at a requested hearing.
- 2116.2 The notice shall inform the applicant or licensee of the right to request, within ten (10) days from service of notice, a hearing before the Commission.
- 2116.3 If a person who was sent a notice of a proposed action pursuant to §2016.2 does not mail or deliver a request for a hearing within the time and in the manner required under that section, the Commission may, without a hearing, take the action contemplated in the notice.
- 2116.4 If a person scheduled for a hearing does not appear for the hearing, and no continuance is granted, the hearing officer may cancel the hearing, and the Commission may proceed to act; or the hearing officer may receive evidence and hear testimony and the Commission may render a decision on the basis of evidence before it.
- 2116.5 The Commission, prior to rendering a decision, may, upon written request from the respondent and payment of the required fee, send a copy of the transcript or summary of the hearing to the respondent and request proposed findings of fact and conclusions of law from the respondent within thirty (30) days of the scheduled date of the hearing.
- 2116.6 The Commission shall inform the respondent and the Corporation Counsel of an action taken under §2016.3 or 2016.4.
- 2116.7 If a respondent requests a hearing, the Commission shall within thirty (30) days following receipt of the request, notify the respondent of the date, time, and place of the hearing.
- 2116.8 The Commission shall hold the hearing not less than fifteen (15) days following the date of service of the notice under §2016.7, unless the Commission, the respondent, and the Corporation Counsel agree to the holding of the hearing at an earlier date.
- 2116.9 A notice, order or decision required by this chapter to be served upon a party shall be served upon the party or upon the representative designated by the party or

by law to receive service of papers. If a party has appeared through counsel, service may be made upon the counsel of record.

- 2116.10 Service on a respondent shall be directed to the last known address of the respondent on file with the Commission and shall be completed by one of the following methods:
- (a) By personal delivery;
  - (b) By leaving it at the party's office with a person in charge or an employee; or, if the office is closed or the party to be served has no office, by leaving it at the party's usual place of residence with a person of suitable discretion sixteen (16) years of age or older residing there;
  - (c) By certified mail, return receipt requested; or
  - (d) In conformity with an order of the Commission made in any hearing.
- 2116.11 If service is by personal delivery, it shall be deemed to have been served at the time when delivery is made to the party, or other person served.
- 2116.12 If service is by certified mail, it shall be deemed to have been made on the date shown on the return receipt showing delivery of the notice to the party or refusal of the party to accept delivery.
- 2116.13 If the party is no longer at the last known address as shown by the records of the Commission, and no forwarding address is available, service shall be deemed to have been made on the date the return receipt bearing that notification is received by the Commission.
- 2116.14 All hearings before the Commission are open to the public.
- 2116.15 A respondent entitled to a hearing has the following rights:
- (a) The right to be represented by an attorney;
  - (b) The right to present all relevant evidence by means of witnesses, books, papers, and other documents; and
  - (c) The right to examine opposing witnesses on any matter relevant to the issues.
- 2116.16 After a hearing, and within time limits established by the Commission, the parties may submit proposed findings of fact, conclusions of law, and order, and may also submit memoranda of law on issues of law arising during the hearing.
- 2116.17 All testimony at a hearing before the Commission shall be under oath or affirmation.



- 2116.18 The Commission shall exclude irrelevant, immaterial, and unduly repetitious evidence.
- 2116.19 All parties at a hearing shall maintain decorum and good order at all times, and the Commission may exclude or have removed from the hearing room any person violating any reasonable order of the hearing officer.
- 2116.20 The Commission may authorize a hearing officer designated by the Commission to conduct a hearing in any matter that the Commission is authorized to conduct a hearing under this chapter.
- 2116.21 The hearing officer of the Commission shall have the powers and duties given to the Commission by this chapter and the act, except the power to render a final decision.
- 2116.22 When there is a hearing, the record shall be closed at the conclusion of the hearing. However, whenever the hearing officer allows the parties to submit arguments, briefs or documents previously identified for introduction into evidence, the record shall be left open for such time as the hearing officer grants for that purpose.
- 2116.23 The hearing record shall be closed on the date set by the hearing officer as the final date for the receipt of submissions of the parties to any proceeding.
- 2116.24 A recommended decision of a hearing officer shall contain the following:
- (a) Findings of fact;
  - (b) Conclusions of law based on the findings of fact and application of the laws; and
  - (c) A recommended order.
- 2116.25 The Commission, within sixty (60) days of completion of the hearing, shall render a final decision and notify the respondent and the Corporation Counsel of the action.
- 2116.26 The Commission may, with the agreement of all parties, extend the sixty (60) day period in which it is required to render a decision.
- 2116.27 If the decision proposed by the hearing officer is adverse to the respondent, the Commission, prior to issuing a final decision, shall serve the respondent with a copy of the decision and give the respondent an opportunity to file with the Commission within ten (10) days of the date of service, exceptions and written argument in support thereof.
- 2116.28 Respondent's submission under §2016.27 shall set forth objections to the findings and recommendations of the hearing officer supported by reference to the record.

- 2116.29 The Commission may adopt the decision recommended by the hearing officer, in whole or in part. The Commission shall issue a final decision and order a date for compliance.
- 2116.30 In a hearing resulting from a proposed action to reduce, suspend or revoke a license, the Commission has the burden of proving by a preponderance of the evidence that the action should be taken.
- 2116.31 In a hearing resulting from a proposed action to deny a license, the applicant has the burden of satisfying the Commission of the applicant's qualifications by a preponderance of the evidence.
- 2116.32 In all hearings conducted under this chapter, the Commission shall make a complete record of all evidence presented during the course of a hearing.
- 2116.33 The Commission shall make a transcript of a hearing on a proposed action, unless the parties and the Commission agree not to have a transcript made.
- 2116.34 If the Commission does not make a transcript of the hearing, it shall make an electronic recording of the hearing.
- 2116.35 The Commission shall provide a copy of an approved transcript or recording of a hearing to any person requesting it, upon payment of the required fee.
- 2116.36 In the event of disputes with respect to the record, the Commission shall settle the record and rule on all contested motions to correct the record.
- 2116.37 A decision of the Commission shall contain the following:
- (a) Findings of fact;
  - (b) Conclusions of law based upon the findings of fact and application of the laws;
  - (c) An order; and
  - (d) A statement informing the respondent of the right to have the decision reviewed by the District of Columbia Court of Appeals, and the time within which judicial review must be sought according to the rules of that Court.
- 2116.38 The Chair of the Commission shall sign an order, decision, or other document of the Commission on behalf of the Commission; Provided, that the Commission by majority vote may designate another member to sign.
- 2116.39 Within five (5) days after a decision is rendered, the Commission shall serve a copy of the written decision upon the respondent, or the respondent's counsel of record.
- 2116.40 The Commission, on motion by a respondent, may, for good reason, stay the imposition of an order pending appeal or reconsideration.



- 2116.41 In computing any period of time specified in this chapter, "day" shall mean calendar day; except that the day of the act, event, or default shall not be counted, and the last day of the period shall be counted unless it is a Saturday, Sunday, legal holiday, or day on which the Commission is officially closed, in which event the time period shall continue until the next day that is not a Saturday, Sunday, legal holiday, or day on which the Commission is officially closed.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6612 (October 19, 1990).

## 2117 REOPENING A HEARING

- 2117.1 If, because of accident, sickness, or other good cause, a respondent fails to receive a notice of a hearing or fails to appear for a hearing, the respondent may, within fifteen (15) days from the date of service of the decision, apply in writing to the Commission to reopen the hearing.
- 2117.2 If the Commission finds good cause to reopen a hearing, the Commission shall, as soon as practicable, fix a time and place for a hearing and give the parties notice of the hearing.
- 2117.3 The Commission may reopen a hearing for any cause sufficient to the Commission; Provided, that no appeal is pending before a court or has been decided by a court.
- 2117.4 A decision of the Commission on whether to reopen a hearing is within the discretion of the Commission.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6617 (October 19, 1990).

## 2118 RECONSIDERATION

- 2118.1 A respondent may file with the Commission a petition for reconsideration within fifteen (15) days after the date of the service of the decision on that party. The petitioner shall serve a copy of the petition on each party.
- 2118.2 Neither the filing nor the granting of a petition shall operate as a stay of a decision unless specifically ordered by the Commission. The Commission may grant a stay only upon good cause involving consideration of the likelihood of decisional error, irreparable harm to the petitioning party, the harm to other parties, and the public interest.
- 2118.3 A petition shall state briefly and specifically the following:
- (a) The matters of record or points of law alleged to have been erroneously decided or overlooked;
  - (b) The grounds relied upon; and
  - (c) The relief sought.

- 2118.4 If a petition is based in whole or in part on new matter, the matter shall be set forth in an affidavit, containing a statement that the petitioner could not with due diligence have known or have discovered the new matter prior to the hearing before the Commission.
- 2118.5 The Commission may, in the Commission's discretion, permit or require oral argument upon a petition.
- 2118.6 The Commission shall grant or deny a petition within forty-five (45) days after the filing of the petition. The failure by the Commission to act within that period shall constitute a denial of the petition.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6617 (October 19, 1990).

## 2119 IMPLEMENTATION

- 2119.1 The Commission may issue one or more handbooks setting forth administrative procedures, guidelines and forms to be used to carry out the rules of this chapter rules.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6618 (October 19, 1990).

## 2199 DEFINITIONS

- 2199.1 As used in this chapter, the following term shall have the meanings ascribed in D.C. Law 1-104, and as follows:

**Degree** - a document, designation, mark, appellation, series of letters or words, academic or honorary titles, or other symbol that signifies, purports or is generally taken to signify satisfactory completion of the requirements of an academic, educational, or professional program of study for the Associate, Bachelor, Master or Doctor level of college or university education; or any other program for which an undergraduate or graduate college degree is proposed to be awarded.

SOURCE: Final Rulemaking published at 37 DCR 6595, 6618 (October 19, 1990).